

REMARKS/ARGUMENTS

The present Amendment is responsive to the final Office Action mailed October 7, 2009 in the above-identified application.

Claims 8 and 9 are now canceled without prejudice or disclaimer. Further, new claims 11 and 12 are added. Therefore, claims 1, 2, 7 and 10-12 are the claims currently pending in the present application.

Claim 1 is amended to clarify features recited thereby. These amendments are fully supported by Applicant's disclosure, see, for example Figs. 2A and 2B.

Rejection of Claims 1-3 and 8 under 35 U.S.C. § 103

Claims 1-3 and 8 are rejected under 35 U.S.C. § 103 as being obvious from Aupperle, U.S. Patent Application Publication No. 2004/0050374 in view of Valaszkai et al., U.S. Patent Application Publication No. 2003/0033993. Reconsideration of this rejection is respectfully requested.

Without intending to limit the scope of the claims, an effect or advantage according to an aspect of Applicant's invention as claimed in claim 1, a third cooler and a first cooler are provided in a package such that they are "fitted alongside one another so that they have an extent in a substantially common plane" and such that "a composite modular cooler unit" may be achieved, as described, for example at Specification, page 6, lines 14-22.

Claim 1 requires an arrangement for recirculation of exhaust gases in a supercharged combustion engine, the arrangement comprising a first cooler using ambient air as a cooling medium and configured to cool the exhaust gases and incorporated in the return line downstream from the second cooler and upstream for a mixture point where the exhaust gases are mixed with the air in the inlet line, and a third cooler configured to cool the air in the inlet line before the air is mixed with the exhaust gases from the return line, wherein the first cooler is positioned in close physical proximity to the third cooler such that the first cooler and the third cooler together comprise a flat integrated cooler package having a main extent in one plane, the first cooler positioned relative to the third cooler such that both have a main extent in the one plane, and wherein the shortest side of the first cooler faces the shortest side of the third cooler over at least a majority of the shortest side of the first cooler.

The Office Action acknowledges (Office Action, page 4) that Aupperle fails to disclose coolers comprising an integrated unit, wherein the first cooler is positioned in close physical

proximity to the third cooler, such that both have a main extent in one plane and the first cooler is positioned relative to the third cooler such that both have the main extent in the one plane. Valaszkai is also silent as to such features. However, the Office Action cites Kolb for such features

Kolb discloses a heat exchanger that includes a radiator having upper and lower portions for cooling engine coolant and a charge air cooler having upper and lower portions for cooling charge air (Kolb, Abstract). Kolb discloses a combined integrated heat exchanger package 20 that includes a first heat exchanger having at least two vertically split and separated units or portions 21 and 22 for cooling fluid, such as engine coolant, and another heat exchanger having two units 30 and 32 for cooling a second fluid, preferably charge air coolers for cooling compressed charged air from a turbo or a supercharger of an internal combustion engine (Kolb, page 4, paragraph 54). Further, Kolb discloses that the charge air cooler units include a manifold 34A through which the heated compressed charge air 50 flows to be cooled in core 37A of the first unit 30 and that this is collected in lower manifold 34B from where the charge air is transferred to upper manifold 34C of lower unit 32 and then through core 37B of unit 32 (Kolb, page 5, paragraph 56). Thus, Kolb discloses a cooler comprised of two parts 30 and 32 for cooling charge air attached to a radiator for cooling an engine coolant made of two parts 21 and 22. Kolb discloses that the two units 30 and 32 are staggered so that they do not lie in one plane, except possibly the innermost side of unit 30 and the innermost side of unit 32.

Kolb does not disclose or suggest that the shortest side of the first cooler faces the third shortest side of the third cooler over at least a majority of the shortest side of the first cooler, as required by claim 1. As discussed, Kolb discloses that units 30 and 32 are staggered in the integrated heat exchange package 20. Accordingly, even taken together in combination, Kolb, Valaszkai and Aupperle do not disclose or suggest the recitations of claim 1.

Claims 2, 3 and 8 depend from claim 1, and are therefore patentably distinguishable over the cited art for at least the same reasons.

Rejection of Claims 4-7, 9 and 10 under 35 U.S.C. § 103

Claims 4-7, 9 and 10 are rejected under 35 U.S.C. § 103 as being obvious from Aupperle in view of Valaszkai et al. and further in view of Kolb et al., U.S. Patent Application Publication No.: 2005/0109484. Reconsideration of this rejection is requested.

Claims 4-7, 9 and 10 depend from claim 1 and are therefore patentably distinguishable over the cited art for at least the same reasons.

New Claims

New claims 11 and 12 are added so as more fully to claim patentable aspects of Applicant's invention. New claims 11 and 12 are fully supported by Applicant's disclosure see, for example Specification, page 6, lines 14-21; Fig. 2A.

In view of the foregoing discussion, withdrawal of the rejections and allowance of the claims of the application are respectfully requested.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE PATENT AND
TRADEMARK OFFICE EFS FILING
SYSTEM ON December 22, 2009

RCF:GB/jl

Respectfully submitted,



Robert C. Faber
Registration No.: 24,322
OSTROLENK FABER LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700